

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**RICKEY PHILLIPS, as Administrator of the
Estate of SUSAN PHILLIPS, deceased,**

PLAINTIFF

VERSUS

CIVIL ACTION NO. 2:06CV84MEF

**PACTIV CORPORATION and
LOUISIANA-PACIFIC CORPORATION,**

DEFENDANTS

MOTION TO ALLOW AMENDED COMPLAINT

Comes now the Plaintiff and moves this Court to allow Plaintiff to amend Plaintiff's Complaint to make the following changes:

1. To delete Count Nine (Spoliation) as a cause of action, but to return certain allegations formerly contained in Count Nine in the general allegations.
2. To delete Count Ten (Homicide) as a cause of action.
3. A copy of the proposed Amended Complaint is attached.

Respectfully submitted this 24th day of April, 2006.

/s/ W. Eason Mitchell
W. EASON MITCHELL (MIT020)
The Colom Law Firm, LLC
Post Office Box 866
Columbus, MS 39703-0866
Telephone: 662-327-0903
Facsimile: 662-329-4832
emitchell@colom.com

/s/ Gregory A. Cade
GREGORY A. CADE (CAD010)
LEE GRESHAM, III (GRE054)
FRED R. DeLEON (DEL021)
Environmental Litigation Group
3529 Seventh Avenue South
Birmingham, AL 35222
Telephone: 205-328-9200
Facsimile: 205-328-9206

Certificate of Service

I, W. Eason Mitchell, hereby certify that on April 24, 2006, I electronically filed the foregoing *Motion to Allow Amended Complaint* with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

H. Thomas Wells, Jr., Esq.
John A. Earnhardt, Esq.
Dennis R. Bailey, Esq.
R. Austin Huffaker, Esq.

/s/ W. Eason Mitchell
W. Eason Mitchell

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